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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,124	06/01/2001	Rudolf Ritter	236109US28 PCT	9808
22850 7590 10/25/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER PEREZ, JULIO R	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 10/25/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/857,124	RITTER, RUDOLF	
	<b>Examiner</b>	<b>Art Unit</b>	
	Julio R. Perez	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 15-18, 20-25, 27-32, 38-51, 56, 57, 59 and 64-70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-18, 20-25, 27-32, 38-51, 56, 57, 59 and 64-70 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-63 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-21 and 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (5627579) in view of Boys (6314094).

Regarding claims 15 and 22, Park discloses a mobile device and a method, comprising; a receiver configured to receive programs and program-accompanying digital data, wherein the programs include at least one of audio data and video data, and the program-accompanying digital data includes location parameters (col. 3, lines 20-29 and 49-57; col. 4, lines 1-11; col. 3, lines 49-67; col. 4, lines 20-34, the travel information device receives voice broadcast and data broadcast; further, the information device receives voice together with geographical data related to points of interests to the user); a position locating module configured to determine a current geographic position of the mobile device (col. 4, lines 12-19; Fig. 2, ref. 80, the information device comprises a GPS, position system); and a filter module configured to filter location-specific information from the program-accompanying digital data based at least

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67, 27-40, the processor within the mobile transmitter extracts the signal information related to, i.e., an advertisement, data of interest to the user).

What Noreen does not explicitly disclose is communicating the location-specific information, i.e., URL, addresses for WWW data, to a service center.

Hara discloses mechanisms to capture Internet access information broadcasted in a broadcast signal, thus, programs and program-accompanying data, for allowing retrieval and display on demand (Figure 1, #'s 102, 1116, 106, 108, 112; col. 2, lines 1-22, 31-49, 56-67-col. 3, lines 1-8, 53-67-col. 4, lines 12).

It would have obvious to one skilled in the art at the time of the invention to modify Noreen, such that extracting (filtering) the data of location parameters to send to a center, to provide the user with means to acquire content information on the move.

Regarding Claims 16 and 23, the combination discloses the mobile device, wherein the position-locating module includes a satellite-based positioning system (Noreen, col. 14, lines 15-26).

Regarding Claims 18 and 25, the combination discloses the mobile device, further comprising: a display configured to receive and display the location-specific information; and operating elements configured to allow selecting and editing of the location-specific information (Noreen, col. 13, lines 34-55, the information device presents information related to the data broadcasted on respective display).

Regarding Claims 20 and 27, the combination discloses the device, wherein the location-specific information includes an URL address, and the communications module

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is further configured to activate a resource in the Internet based on the URL address (Noreen, col. 13, lines 43-55; col. 14, lines 1-14, 40-56).

Regarding Claims 21 and 28, the combination discloses the mobile device, further comprising a processing module configured to execute program data files contained in the location-specific information (Noreen, col. 13, lines 15-33, 63-67, 27-40, the processor within the mobile transmitter extracts the signal information related to, i.e., an advertisement, data of interest to the user).

Regarding Claims 30 and 32, the combination discloses, wherein the position-locating module is configured to obtain position indications from a mobile network (Noreen, col. 14, lines 15-26).

Regarding Claims 38 and 39, the combination discloses the mobile, wherein the programs include radio programs (Noreen, col. 13, lines 15-33).

Regarding Claims 41, 56, the combination discloses the mobile device, wherein the communications module is configured to transmit the data from the mobile device in accordance with a short message protocol (Noreen, col. 13, lines 43-55; col. 14, lines 1-14, 40-56).

Regarding Claims 44, 47, 59, 65, 67, 68, 69, 70, the combination discloses, wherein the transmitting includes transmitting a request for at least one of a product, a service, or additional information associated with at least one of the programs (Noreen, col. 13, lines 24-33, 63-67; col. 14, lines 40-56).

Regarding Claims 46, 66, the combination discloses, wherein the processor is further configured to: transmit data from the mobile device based on the comparison

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between the location parameters and the current geographic position (Noreen, col. 13, lines 15-33, 63-67, 27-40).

Regarding Claims 49, 64, the combination discloses, wherein the portable housing is configured as one of a mobile telephone housing, a handheld computer housing, or a portable computer housing (Noreen, Figure 4).

Regarding Claim 51, the combination discloses the mobile device, further comprising: a headphone jack configured to output an audio portion of the programs (Noreen, Fig. 2).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 24, 29, 31, are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen and Hara in view of Park, US Patent Number 5,627,549.

Regarding Claims 17 and 24, the combination does not specifically disclose the device, further comprising a memory module configured to store a user profile wherein the filter module is configured to receive the user profile and to filter the location-specific information from the program-accompanying digital data based on the user. However, Park teaches this limitation (col. 4, lines 35-57; col. 6, lines 41-67; col. 7, lines 1-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Noreen to include Park, as it is known to implement

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the device with user profile to create user-customized database in relation to user preferences.

Regarding Claims 29 and 31, Park discloses the mobile device, wherein the filter module is configured to: determine if a difference between the location parameters and the current geographic position is within a predefined range (col. 4, lines 37-57, calculation of distances between the vehicle position and the location of points of interests may be executed), and filter the location-specific information from the program-accompanying digital data when the difference between the location parameters and the current geographic position is within the predefined range (col. 4, lines 20-57; col. 5, lines 27-47, information may be extracted and display for the user).

5. Claims 42, 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen and Hara in view of Boys, US Patent Number 6,314,094.

Regarding Claims 42, 45, the combination does not explicitly disclose the mobile device, wherein the program data files include a Java applet.

However, in a similar field of endeavor, Boys discloses a wireless portable receiver system and method for transmitting requests via the Internet (col. 2, lines 48-65; col. 6, lines 30-55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Noreen with the teachings of Boys in order to render a user with mechanisms communicate with the Internet.

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6. Claims 40, 43, 48,50, 57, are rejected under 35 U.S.C. 103(a) as being unpatentable over Noreen and Hara in view of Lyons, US Patent Number 6,282,412.

Regarding Claims 40,48,50, 43, 57, the combination does not explicitly disclose the mobile device, wherein the memory module includes a removable chip-card for storage medium.

However, in a similar field of endeavor, Lyons discloses a wireless portable receiver system and method for transmitting requests to a broadcasts server. Lyons further discloses means to communicate to store information within a removable card (col. 2, lines 33-44; Fig.1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the system as taught by Noreen and Park with the teachings of Lyons in order to render a user with mechanisms of removable memory card in order to have other means for storing services such as user's profile.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 15-18, 20-25,27-32, 388-51, 56-57, 59, 64-70, have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 10:30 - 6:30 PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William G. Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Julio R Perez  
Examiner  
Art Unit 2617

10/16/07



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